

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLIE D. JACKSON, F03949,

Plaintiff(s),

v.

CALIFORNIA DEPT' OF CORRECTIONS  
& REHABILITATION, et al.,

Defendant(s).

No. C 12-2516 CRB (PR)

ORDER

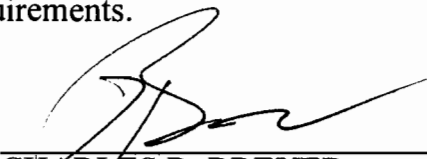
(Docket # 20)

Plaintiff's motion for preliminary injunction (docket #20) is DENIED for failure to satisfying the notice requirements of Federal Rule of Civil Procedure 65. Prior to granting a preliminary injunction, notice to the adverse party is required. Fed. R. Civ. P. 65(a)(1). A motion for preliminary injunction therefore cannot be decided until the parties to the action are served, and they have not yet been served here. See Zepeda v. INS, 753 F.2d 719, 727 (9th Cir. 1983). A temporary restraining order (TRO) may be granted without written or oral notice to the adverse party or that party's attorney if: (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or the party's attorney can be heard in opposition, and (2) the applicant's attorney (plaintiff himself in this case, as he proceeds pro se) certifies in writing

1 the efforts, if any, which have been made to give notice and the reasons  
2 supporting the claim that notice should not be required. Fed. R. Civ. P. 65(b).  
3 Plaintiff has not satisfied both requirements.

4 SO ORDERED.

5 DATED: 8/17/2012

  
6 CHARLES R. BREYER  
United States District Judge